

Citizen Rulemaking Petition Process under IC 13-14-8-5

Any person may present a written proposal to adopt, amend, or repeal a rule of the board as long as the petition meets the requirements of IC 13-14-8-5. The proposal must be supported by a statement of reasons and accompanied by a petition signed by at least 200 people who support the position taken on the proposal. Below is the process IDEM has followed for citizens' petitions over the years.

- The citizen petition on rulemaking is presented to the board at a regularly scheduled board meeting.
- The board accepts the petition and agency staff then verify that the petition meets the requirements of the statute and reports to the board at the next board meeting.
- IC 13-14-8-5 requires the following:
That the proposal be accompanied by a petition signed by at least 200 people;

That the proposal is supported by a statement of reasons;

That the proposal does not deal with a subject upon which a hearing was held within the previous six months of the submission of the proposal; and

That the proposal is not plainly devoid of merit.

- Once IDEM staff confirm that the petition meets the requirements of the statute, the board then must determine whether the proposal meets the "not plainly devoid of merit" standard. If the board determines that the petition has merit, a hearing (or hearings) on the petition must be scheduled. Notice of any hearings on the proposal must be public noticed in the same manner as other board hearings.
- If the board determines that a hearing on the petition should be held, the board may decide to hold the hearing as part of a regularly scheduled board meeting. In the alternative, the board may decide to hold one or more hearings separately from a regularly scheduled board meeting. The board chair may designate one or more members of the board as hearing officers for any hearing scheduled outside of a regular board meeting.

- Should the board schedule one or more hearings outside of a regularly scheduled board meeting, the appointed hearing officer provides a report to the full board at the next board meeting following the public hearing(s).
- Based on the information provided at the public hearing(s), the board may determine that a rulemaking should be started and direct the agency to begin the rulemaking. The board may also determine that no rulemaking should be started. In some instances, the board has directed the agency to meet with petitioners to explore potential options to address the subject of a petition prior to the board making a decision on whether to commence a rulemaking and what the scope of the rulemaking should be.